

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, AUGUST 17, 2006**

CALL TO ORDER

Patricia Haukohl, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Bonnie Morris	Gary Goodchild	Walter Kolb
	Pat Haukohl	Betty Willert	Ellen Gennrich

Commission

Members Absent: Walter Baade

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager
Elfriede Sprague, Clerk III

Guests Present:	Heather McGuire	Marcus Frank	Atty. Gordon Barrington
	John Lupo	John McCarthy	John Kobussen
	Kay Kobussen	Ed Muzik	Gordon Barrington
	Scott Bence	Robert Flessas	David Robinson
	Brett Engelking	Kim Schnewicz	

CORRESPONDENCE: None.

MEETING APPROVAL:

Mrs. Haukohl questioned the Zoning Leadership Seminar schedule, which was included in the Draft packet to the Commission. Was it intended for the Commission to attend? Mr. Mace replied it is intended for new Zoning Administrators around the State with many older Administrators conducting the Seminars. He felt the Commission should be aware of the Seminar and what the new and old Administrators are doing. He indicated Mrs. Haukohl is also to be a guest speaker.

MINUTES:

Mrs. Willert moved, seconded by Mrs. Gennrich and carried unanimously, for approval of the July 20, 2006, Minutes.

Mrs. Willert moved, seconded by Mrs. Morris and carried unanimously, for approval of the August 3, 2006, Minutes.

PUBLIC COMMENT

Chairperson Haukohl asked if anyone from the audience wished to address the Commission? There being none, she moved to the next item on the agenda.

• **SVZ-1629 (Bielinski Homes, Inc.) City of Waukesha, Section 19**

Mr. Mace presented the "Staff Report and Recommendation" dated August 17, 2006, and made a part of these Minutes. He pointed out the location of the property in the SE ¼ of Section 19, T6N, R19E, City of Waukesha on the aerial photograph and stated the petitioner is requesting to rezone lands under the Waukesha County Shoreland and Floodland Protection Ordinance jurisdiction from the A-1 Agricultural District to the R-3 Residential District.

Mrs. Haukohl asked if the proposed subdivision would have City of Waukesha water and sewer? Mr. Mace replied, "Yes". She expressed concern with adding 55 new homes to the water system when the City of Waukesha is experiencing water shortage problems. Brett Engelking, Bielinski Homes, replied that Outlot 5 of the proposed subdivision is a well site, which will also be used for the subdivision's water system. An approximately 200 ft. well has already been dug, which will feed into the City's municipal water supply. The subdivision configuration was questioned. He replied the reason for this layout was the owner did not wish to sell all of his land at this time; therefore the proposal is designed for future expansion into the surrounding lands. Bielinski Homes and the City of Waukesha have worked together to develop a Conceptual Plan of what the area would be like when it is entirely developed. Currently the main access point is through Tanglewood Drive in Rivers Crossing Subdivision along with the old farm driveway on Outlot 1, which enters off Saylesville Rd. There are stub roads throughout the subdivision that can eventually be extended for future expansions. The intent is to have a main access road enter from Saylesville Rd. when the entire development is complete, further north than the existing gravel entrance, as the grades there are too steep for a main entrance. Mrs. Haukohl asked how much land does the County have jurisdiction over? Mr. Mace replied, "About 12.6 acres". Mr. Engelking explained that throughout the development process the feeder stream has been determined to be navigable, non-navigable, navigable and now he has just received a final determination letter from the DNR, changing the navigability again, thereby changing the County's jurisdiction. Mr. Mace commented the Zoning Map will need to be modified to reflect the latest navigability determination.

Mr. Kolb expressed concern regarding the shallow well site. Mr. Engelking replied the well is not necessarily part of the subdivision, even if the development did not proceed, the City of Waukesha is still interested in purchasing the well site as they are always looking to add wells to their municipal system. Mrs. Haukohl asked why is the area being rezoned to such a high density? Mr. Mace replied, "It is consistent with the County and City's Land Use Plan", and it is appropriate to zone areas that are to be served with sewer and water in 1/3-acre densities. The sewer service amendment for the area has already been approved to allow the area to develop.

After discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SCZ-1631 (The Preserve at Vernon Crossing) Town of Vernon, Section 26**

Mr. Mace presented the "Staff Report and Recommendation" dated August 17, 2006, and made a part of these Minutes. He pointed out the location of the property in part of the SE ¼ of Section 26, T5N, R19E, Town of Vernon on the aerial photograph and stated the petitioner is requesting to rezone lands from the AD-10 Agricultural Density-10 and A-E Exclusive Agricultural Districts to the R-3 Residential District of the Waukesha County Zoning Code and Waukesha County Shoreland and Floodland Protection Ordinance.

Mrs. Gennrich asked how the NA-III site was determined? Heather McGuire, Yaggy Colby, replied it was a remnant of an old oak woods and is located near the Fox River. There will be no development in that area, however they are retaining ownership of the lands so they can have Fox River access for placement of a private wharf. The wharf itself will not be in the NA-III area. Ms. McGuire presented the Conceptual Plan for the Condominium Project containing five two-family units; six single-family units and an existing single-family residence and identified the placement of the units. Mrs. Gennrich asked if any of the units would be in the Environmental Corridor? Mr. Mace answered they would not encroach on the Corridor. Outlot 1, which is most of the lands designated as 100-yr. floodplain and wetland, will be dedicated to the

County for preservation purposes. The owners of the development will retain ownership along the tributary of the Fox River for access to the river. Waukesha County will have a Conservation Easement over all lands retained by the condominium owners, which is designated as the NA-III area. The public road will terminate as a cul-de-sac at the location of the proposed 2-family condominium units. A private road will be extended to serve the single-family condominium units. Mrs. Gennrich questioned the location of the septic systems and whether the soils were adequate to support them? Ms. McGuire answered the septic sites have been tested and staked out. The soils are acceptable. The units will have individual septic systems, however they will all be in one general location. The Town of Vernon will not allow a common or group system, as they do not wish to accept the maintenance responsibility for it. The south end of the septic site does encroach slightly into the Environmental Corridor. Mr. Mace added the sites are in non-hydric soils and should not create a problem.

After discussion, Mr. Kolb moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SZT-1562A (J.B.J. Development) Town of Brookfield, Section 29**

Mr. Mace presented the “Staff Report and Recommendation” dated August 17, 2006, and made a part of these Minutes. He pointed out the location of the property north of Bluemound Road and west of Janacek Road in part of the SW ¼ of Section 29, Town of Brookfield on the aerial photograph and stated the petitioner is requesting to modify a condition of the previous Zoning Amendment (to RM-2 – Town) in 2005 and remove partial jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance.

Mr. Mace stated the petitioner is requesting to amend the conditions of their previous zoning amendment. Since the passing of the original amendment, the status of the original two ponds has changed; one has been filled in and the other has been changed to “tributary stream” status, thereby reducing the Shoreland and Floodland Protection Ordinance jurisdictional limits from 1,000 ft. to 300 ft. Also, since that time, the petitioner has purchased an additional lot to the north. On July 24, 2006 the Town held a public hearing regarding the modification and on August 1, 2006, The Town Board reaffirmed the rezoning and moved to modify the previously imposed conditions based on the revised Site Plan and Plan of Operation, subject to five conditions. The Planning and Zoning Division Staff has proposed modification to the County conditions to allow the dwelling units to increase from 52 to 64 and allow access via Janacek Rd. and Elizabeth Ct., which was decided by the County Board at the Plan Amendment phase. The building heights have been reduced with additional plantings for landscaping and a Deed Restriction is to be placed on the Primary Environmental Corridor prohibiting further development. No vehicular traffic will be allowed from Briar Ridge Dr. to the subject development. Mr. Bence, J.B.J. Development, commented the intent is to dedicate the wetlands to the Town, with additional restrictions being placed on them for endangered Garter Snake habitat. They are working with the DNR to protect and maintain the area or possibly have a land conservation group manage the land. J.B.J. Development is satisfied with the new County and Town conditions. Town of Brookfield Supervisor Robert Flessas spoke in support of the project stating the residents to the north and the landowners in the area are also satisfied with the new conditions.

After discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SCU-1432 (Wisconsin Department of Natural Resources) Town of Delafield, Section 29**

Mr. Mace presented the “Staff Report and Recommendation” dated August 17, 2006, and made a part of these Minutes. He pointed out the location of the property in the NW ¼ and SW ¼ of Section 29, T7N, R18E, Town of Delafield on the aerial photograph and stated the petitioner is requesting Conditional Use approval for the construction of a pond at the Lapham Peak Unit of the Kettle Moraine State Forest.

Mr. Mace stated the Staff has worked closely with the DNR to address concerns regarding the use of the deep ground water aquifer to fill the pond. Typically, it has been Staff’s policy in the past not to allow such use, however in this case the Staff is recommending limited approval of the snowmaking project as they feel it will be of public benefit. The requested approval is for the pond and the deep well has already been drilled. Mrs. Haukohl expressed concern with the impact of allowing snowmaking and how it would affect the aquifers, as Waukesha County is now experiencing water problems based upon deep groundwater depletion. In the past, the Commission has made it a policy not to allow the creation of ponds supplemented by wells. She felt it was not right to approve this for a government agency, when private sector requests are denied. It should only be allowed if it is in the public interest and she questioned whether this project is. Mr. Mace replied the County feels the project is in the public interest and identified some instances where wells are used, such as the County golfcourses and in other cases such as farmers, community parks, etc. Mr. Goodchild commented the amount of water the DNR would use is equivalent to about the annual consumption of 7 homes. Mrs. Haukohl replied she does not feel the policy should be changed for a government agency. Mr. Kolb and Mr. Goodchild questioned whose “policy” was it? There isn’t a law regulating this type of use. Mrs. Willert replied it has been the Commission’s policy for quite some time. Mr. Mace said Condition No. 5 states that after three years, in 2009, the petitioner must present the results of the pond and well usage based on monitoring activities to the Commission, “at which time the Commission may authorize an increase in water usage based upon historical data and a review of any impacts to the shallow or deep groundwater aquifers”. Mrs. Gennrich quoted a sentence in a letter from the Director of the Southeastern Wisconsin Regional Planning Commission (SEWRPC) stating, “Non essential artificial snow production can be regarded as poor public policy”, and stated she felt it is poor policy to allow this usage. Mrs. Haukohl said even though the State of Wisconsin does not have any laws regarding “deep wells”, she felt the Commission needed to be consistent with their voting.

Mr. Muzik, DNR, stated that per the SEWRPC letter, all the sensitive terms and objectives of the Waukesha County Shoreland and Floodland Protection Ordinance have been met by the DNR. They have hired a hydrologist to do a study and he has determined there would not be any adverse effect from the pond project. The projected water usage for the next several years is going to be less than one nights watering for a County golfcourse (250,000 gallons). Most of the water will be from the shallow aquifer, as it will be drawn from the pond; the pond water will only be replenished as needed from the deep well. They have agreed to set a limit of 500,000 gallons per year, of which 80% will be returned to the shallow ground water through runoff. The water will also be needed at a low demand time of the year. The first three years of usage will be monitored and then re-evaluated. He stated the water usage would be very modest and added even the City of Waukesha’s Sprinkling Ordinance exempts outdoor sports complexes from regulation. Mr. McCarthy, Friends of Lapham Peak, added this is a joint project between the Friends of Lapham Peak and the DNR. Much of the money for the project has come from grants, donations, fundraisers, and high school programs with the intent of creating snow for winter sports for public enjoyment. Mrs. Haukohl and Mrs. Gennrich felt approving the request was going against the Commission’s previous policy and the project was not necessarily in the public’s interest.

After discussion, Mr. Goodchild moved, seconded by Mrs. Morris and carried with 4 yes votes (Mrs. Gennrich and Mrs. Haukohl voted “No”) for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **CU-1334A (David Robinson) Town of Oconomowoc, Section 13**

Mr. Mace presented the “Staff Report and Recommendation” dated August 17, 2006, and made a part of these Minutes. He pointed out the location of the property at W340 N7661 Townline Road in the Town of Oconomowoc on the aerial photograph.

Mr. Mace stated the petitioner is requesting Conditional Use approval of a large equestrian related special event, which requires County Planning Commission approval, per Condition No. 19 of the Conditional Use (CU-1334A) and Site Plan/Plan of Operation (PO-06-OCOT-4) approval, dated March 17, 2006. Mr. Robinson explained the event is a charity polo match held to benefit the Ronald McDonald House and Make-A-Wish Foundation. The expected attendance will not be as large as originally anticipated and should be fewer than 400 persons. Mrs. Haukohl questioned the Parking Plan, and wondered if there would be 2,000 vehicles? Mr. Robinson answered the Plan incorporates all the available open space and if it were all used, he could accommodate 2,000 vehicles. He is anticipating about 200 vehicles for this event.

After discussion, Mrs. Willert moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.

• **PO-06-OCOT-4 (David Robinson) Town of Oconomowoc, Section 13**

Mr. Mace presented the “Staff Report and Recommendation” dated August 17, 2006, and made a part of these Minutes. He pointed out the location of the property at W340 N7661 Townline Road in the Town of Oconomowoc on the aerial photograph.

Mr. Mace indicated the matter is related to the previous Conditional Use request CU-1334A.

After discussion, Mrs. Willert moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mrs. Morris moved, seconded by Mrs. Willert to adjourn at 2:35 p.m.

Respectfully submitted,

Betty Willert
Secretary

BW:es